

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Lynette Maryea

v.

Warren Dowaliby, et al

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State Court #: 291-2013-CV-00213

NOTICE OF REMOVAL

Defendants, Warren Dowaliby, et al, remove this case to this Court, and in support of this Notice of Removal state as follows:

1. This case is removed pursuant to 28 U.S.C. §§1443 and 1446.
2. The basis for removal is that one of the claims brought by Plaintiff against Defendants has been made pursuant to 42 U.S.C. 1983. Civil rights cases are automatically removable to Federal Court under 28 U.S.C. 1443.
3. A copy of the state court document initiating suit in this matter is submitted as Attachment A, including a return of service for Defendants, Dowaliby, Baggs, Bryant, Metcalf, Weisegarber and Wilkins.
4. Copies of my letters to the Strafford County Superior Court filing this Notice of Removal and to Tony F. Soltani, Esquire, as counsel for the Plaintiff, are submitted as Attachment B. As noted in the letter to the state court, a certified copy of the documents filed in that court has been ordered for filing with this court pursuant to local rule 81.1.

5. Undersigned counsel represents to the Court that this Notice of Removal is filed to remove this matter, in full, to the jurisdiction of this Court, based upon 28 U.S.C. 1443 and 1446.

6. Defendants first notice of the suit in this matter was obtained on or about June 25, 2013, by the state court Complaint being served on Raymond Bower, County Administrator, in relation to attempts to serve multiple Defendants. Accordingly, removal of this matter is timely, as the thirty day time in which to remove the case runs through July 25, 2013.

7. Defendants reserves all defenses in this matter to be set forth in its responsive pleading or other filings.

Respectfully Submitted,
Warren Dowaliby, et al
By their attorneys
Maggiotto & Belobrow, PLLC

Date: 7/15/13

/s/ Corey Belobrow
Corey Belobrow, Esquire
Maggiotto & Belobrow, PLLC
58 Pleasant Street
Concord, NH 03301
(603) 225-5152
Bar No. 534

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this date been sent via first class mail to Julie Howard, Esquire, clerk of the Strafford Superior Court, and to Tony F. Soltani., Esquire, counsel for Plaintiff.

Date: 7/15/13

/s/ Corey Belobrow
Corey Belobrow, Esquire